

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>POCKET NUMBER</b>	<b>ANTICIPATED CLASSIFICATION OF THIS APPLICATION:</b>		<b>PRIOR APPLICATION</b>	
	<b>CLASS</b>	<b>SUBCLASS</b>	<b>EXAMINER</b>	<b>ART UNIT</b>
11757.44USH1	UNKNOWN	UNKNOWN	J. STUCKER	1648
<b>Customer No.:</b>	23552			

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 347834178 US  
Date of Deposit: August 25, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PATENT APPLICATIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Sheryl A. Boerboom  
Name: Sheryl A. Boerboom

03940 U.S. PTO  
10/647833  
08/25/03

CONTINUATION-IN-PART APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop PATENT APPLICATIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation-in-part application under 37 CFR § 1.53(b) of Serial No. 09/834,162, filed on April 12, 2001, which claims priority to Provisional Application No. 60/198,723, filed April 20, 2000, entitled ANTIBACTERIAL THERAPY FOR MULTI-DRUG RESISTANT BACTERIA by the following inventor(s):

<b>Full Name Of Inventor</b>	<b>Family Name</b> KELLY	<b>First Given Name</b> MAX	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> TORONTO	<b>State or Foreign Country</b> CANADA	<b>Country of Citizenship</b> CANADA
<b>Post Office Address</b>	<b>Post Office Address</b> 1538 KING STREET WEST	<b>City</b> TORONTO	<b>State &amp; Zip Code/Country</b> ONTARIO M6K 1J6/CANADA
<b>Full Name Of Inventor</b>	<b>Family Name</b> MCGEER	<b>First Given Name</b> ALLISON	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> TORONTO	<b>State or Foreign Country</b> CANADA	<b>Country of Citizenship</b> CANADA
<b>Post Office Address</b>	<b>Post Office Address</b> 21 VICTOR AVENUE	<b>City</b> TORONTO	<b>State &amp; Zip Code/Country</b> ONTARIO M4K A17/CANADA
<b>Full Name Of Inventor</b>	<b>Family Name</b> WILLEY	<b>First Given Name</b> BARBARA	<b>Second Given Name</b> M.
<b>Residence &amp; Citizenship</b>	<b>City</b> TORONTO	<b>State or Foreign Country</b> CANADA	<b>Country of Citizenship</b> CANADA
<b>Post Office Address</b>	<b>Post Office Address</b> 92 MACDONELL AVENUE	<b>City</b> TORONTO	<b>State &amp; Zip Code/Country</b> ONTARIO M6R 2A2/CANADA

1. ☒ Enclosed is the application; including the specification, claims, drawings, a signed oath or declaration from the prior application. The continuing application is as follows: 12 pages of specification, 17 claims, 1 page of abstract, and 4 pages of oath or declaration.

- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b> 17 -20	0	x	\$9.00	0.00
<b>INDEPENDENT CLAIMS</b> 05 -3	2	x	\$42.00	84.00
			<b>BASIC FILING FEE:</b>	<b>\$0375.00</b>
			<b>TOTAL FILING FEE:</b>	<b>459.00</b>

- ☒ Small entity status is claimed pursuant to 37 CFR 1.27.
4. ☒ Payment of fees:  
☒ Attached is a check in the amount of \$459.00  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☐ Amend the specification by inserting before the first line the sentence:  

"This application is a continuation of application Serial No. , filed , which application is incorporated herein by reference."
7. ☐ A set of formal drawings ( sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.  
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Mount Sinai Hospital located at 600 University Avenue, Toronto, Ontario M5G 1X5, Canada.
10. ☒ The Power of Attorney in the prior application is to:  

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

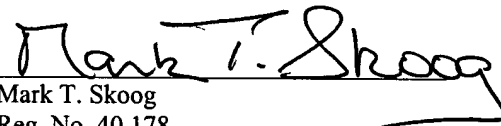
- ☐ Fee for excess claims is attached.
12. ☒ A petition and fee has been filed to extend the term in the prior application until August 26, 2003. A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed: Unexecuted Combined Declaration and Power of Attorney
16. ☒ Address all future communications to the **Attention of Mark T. Skoog** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

Date:

Aug 25, 2003



Mark T. Skoog  
Reg. No. 40,178  
MSkoog:sab